

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

DEQUE SYSTEMS INC.,

Plaintiff,

v.

BROWSERSTACK INC., et al.,

Defendants.

Case No.: 1:24-CV-00217-AJT-WEF

**PLAINTIFF DEQUE SYSTEMS INC.'S
MOTION TO SEAL**

Pursuant to Local Civil Rule 5(C), Plaintiff Deque Systems Inc. (“Deque”) respectfully moves the Court for leave to file under seal an unredacted version of Deque’s Memorandum in Support of Its Motion for Summary Judgment (“Memorandum”) and Exhibits 1, 7 (unredacted version), 12–17, 23–24, 27–28 attached thereto and filed in support of Deque’s Motion for Summary Judgment. Specifically, Deque moves to seal:

- An unredacted version of Deque’s Memorandum. The redacted content in Deque’s publicly filed Memorandum references and discusses documents and information that Defendants BrowserStack, Inc. and BrowserStack Software Pvt. Ltd. (collectively, “BrowserStack”) have designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” in accordance with the Stipulated Protective Order entered by the Court in this action [Dkt. 54]. (None of the redactions are based upon Deque’s own confidential documents or information.)
- An unredacted version of Exhibit 7, which is a Declaration of Deque’s CEO, Preeti Kumar. The redacted content in the Kumar Declaration are the names of two Deque customers, which is competitively sensitive business information, the release of which

might harm Deque's business relationships and competitive position. Deque also seeks to file Exhibit 24 under seal, which is a business proposal/quote for one of those customers and has been designated as "Highly Confidential – Attorneys' Eyes Only."

- Exhibits 1, 12–17, 23, 27–28, which are documents or include information (e.g., deposition transcript excerpts) that BrowserStack has designated as "Confidential" or "Highly Confidential – Attorneys' Eyes Only."

Contemporaneously herewith, Deque has publicly filed: (i) a non-confidential memorandum setting forth the grounds for its motion; (ii) a non-confidential notice specifically identifying this motion as a sealing motion; and (iii) a non-confidential proposed order. Additionally, undersigned counsel certifies that they will serve a copy of the documents subject to the motion to seal upon BrowserStack's counsel.

Accordingly, Deque respectfully requests that the Court grant its motion to seal.

Dated: November 15, 2024

Respectfully submitted,

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Counsel for Plaintiff Deque Systems Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November, 2024, the foregoing Motion to Seal was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which shall send notification of electronic filing to all counsel of record.

/s/ Charles W. Chotvacs
Charles W. Chotvacs